



## Cape Verde

### Country Reports on Human Rights Practices - [2002](#)

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Cape Verde is a multiparty parliamentary democracy in which constitutional powers were shared among the elected Head of State, President Pedro Verona Rodrigues Pires, former president of the African Party for the Independence of Cape Verde (PAICV); the head of government, Prime Minister Jose Maria Neves; and Neves' party, the PAICV. In January 2001, Pires was elected by a slim margin of 12 votes over the country's former prime minister and Movement for Democracy (MPD) president, Carlos Veiga, in what the National Electoral Commission and international media judged to be free and fair elections. The judiciary generally was independent.

The Government controlled the police, which had primary responsibility for maintenance of law and order. Some members of the police and prison guards committed human rights abuses.

The country had a market-based economy but little industry and few exploitable natural resources. In 2000 per capita income was \$1,330. The country had a long history of economically driven emigration, primarily to Western Europe and the United States, and remittances from citizens abroad remained an important source of income. The country produced food for only 15 percent of its population of 468,200, which resulted in heavy reliance on international food aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Despite government efforts to control beatings by police officers, there continued to be credible reports of police abuse. Prison conditions were poor. The judicial system was overburdened, and lengthy delays in trials were common. There were some limitations on press freedom, and there continued to be allegations of media self-censorship. Violence and discrimination against women and mistreatment of children continued to be serious problems. Although the Government supported legislation to correct these problems, it failed to adopt, implement, and enforce policies designed to address the most critical challenges. There were reports of trafficking in persons. Cape Verde was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports that police continued to beat persons in custody and in detention, despite government efforts to stop such practices. While there were mechanisms for investigating citizen complaints of police brutality, in practice these mechanisms neither ensured the punishment of those responsible nor prevented future violations. In addition, in some instances of violence

against women, the police did not protect the victims effectively (see Section 5). Unlike in the previous year, there were no reports that immigration authorities harassed Nigerian citizens (see Section 2.d.). Following its January 2001 election, the Government began investigating allegations of human rights abuses by police; however, no effective action was taken.

No action was taken, nor was any likely, against police officers responsible for beating a detainee on Sal Island in 2000.

Prisons conditions were poor and suffered from severe overcrowding. Sanitation and medical assistance was poor; however, a doctor and a nurse were available and prisoners were taken to the public hospitals for serious problems. Psychological problems among prisoners were common. Although women and men are held separately, juveniles are not held separate from adults, and pretrial detainees are not held separate from convicted prisoners.

The Government permitted both formal visits by human rights monitors to prisons and routine visits to individual prisoners; however, there were no such visits during the year.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The law stipulates that a suspect must be charged before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. The courts had jurisdiction over state security cases, and there was a functioning system of bail.

The Government did not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The Constitution provides for the right to a fair trial and due process, and an independent judiciary generally enforces this right. Cases involving former public office holders continued under investigation. For example, the investigation continued in the case of the former Prime Minister accused of embezzling approximately \$16,250 (2 million Cape Verdean escudos) in the privatization of ENACOL (a parastatal oil supply firm). The case has been transferred to the Attorney General's office because the former Prime Minister failed to appear at the first hearing.

The judicial system was composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one was appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council. This council consisted of the President of the Supreme Court, the Attorney General, eight private citizens, two judges, two prosecutors, the senior legal inspector of the Attorney General's office, and a representative of the Ministry of Justice. Judges were independent and could not belong to a political party.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they have the right to a public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel was provided for the indigent. Regional courts adjudicated minor disputes on the local level in rural areas. The Ministry of Justice did not have judicial powers; such powers were with the courts. Defendants could appeal regional court decisions to the Supreme Court.

The judiciary generally provides due process rights; however, the right to an expeditious trial was constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely led to trial delays of 6 months or more; more than 10,500 cases were pending at the end of 2001.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There were some reports of restrictions on freedom of the press. There is a substantial and growing independent press; however, there continued to be criticism by many prominent government and opposition figures of state-controlled television for its failure to exercise properly its role of informing the public regarding political and economic issues. There continued to be reports of media self-censorship.

A 1999 constitutional amendment excludes using freedom of expression as a defense in cases involving defamation or offense to personal honor. This amendment was criticized strongly by then-opposition PAICV politicians and some journalists as potentially limiting freedom of expression; however, the PAICV Government did not seek to change the provision by year's end.

There were three independent newspapers and one state-owned newspaper. There were six independent radio stations and one state-owned radio station. One television station was state owned, and two others were foreign owned. Foreign broadcasts were permitted. Journalists were independent of government control and were not required to reveal their sources; however, there were credible reports that journalists within the government-controlled media still practiced self-censorship.

Government authorization was not needed to publish newspapers or other printed material. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities. The national radio station provided live broadcasts of National Assembly sessions.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however, there were no reports that licenses were denied or revoked or that the Government refused to authorize broadcasts during the year.

The Government did not restrict Internet access. There was a private Internet service provider. There were technical limitations on Internet use related to bandwidth and the unavailability or inefficiency of electricity and telephone service in some parts of the country.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedoms of assembly and association, and the Government generally respected these rights in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Catholic majority enjoyed a privileged status in national life. For example, the Government provided the Catholic Church with free television broadcast time for religious services and observed its holy days as official holidays.

To be recognized as legal entities by the Government, religious groups must register with the Ministry of Justice; however, failure to do so did not result in any restriction on religious belief or practice.

The trial of four individuals of the "Sao Domingos Group," who were accused of desecrating a Catholic Church in 1996 began in November 2001; however, a decision still was pending at year's end.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and the law provide for these rights, and the Government generally respected them in practice.

The Constitution and the law provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. During the year, there were media reports that Senegalese citizens residing in the country believed that they were subject to discriminatory treatment.

Other observers reported no evidence of a government policy of discrimination against Senegalese. Three or four Basque separatists have been provided first asylum status. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In January 2001, Pedro Verona Rodrigues Pires, former president of the PAICV, was elected by a slim margin of 12 votes over the country's former Prime Minister and MPD president, Carlos Veiga. The principal opposition party, the MPD, held power from January 1991 until January 2001, after defeating the PAICV, which held power in a one-party state from independence in 1975 until 1991. The PAICV won the legislative elections in January 2000 and has an absolute majority in the National Assembly. The National Electoral Commission and the international media judged the January presidential elections, as well as legislative and municipal elections in 2000, to be free and fair.

The Constitution provides for the separation of powers. Constitutional powers were shared among President Pires, Prime Minister Jose Maria Neves, and the PAICV party. Cabinet ministers were subject to confirmation by the President. Collectively they must retain the support of a parliamentary majority. The President could dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic. This council consisted of the President of the National Assembly, the Prime Minister, the President of the Constitutional Court, the Attorney General, the Ombudsman, the President of the Economic and Social Council, the former presidents, and five private citizens appointed by the President. The MPD and the Democratic Renovation Party were the main opposition parties.

There were 8 women among the elected "active" deputies in the 72-seat National Assembly, and there were 3 women among the 7 elected "reserve" deputies that fill any eventual vacancies during the legislative term. There were 4 women in the 17-member Cabinet.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

There are three private human rights groups, the National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association.

The independent Ombudsman's powers remained undefined at year's end, and no Ombudsman was elected by year's end.

### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. However, despite the Government's increased efforts to enforce all relevant constitutional provisions, it still did not do so effectively, and not all elements of society, particularly women and children, enjoyed full protection against discrimination.

#### Women

Domestic violence against women, including wife beating, was common. The Government and civil society encouraged women to report criminal offenses such as rape and spousal abuse to the police; however, according to the media and a July report by the Women Jurists' Association, longstanding social and cultural values inhibited victims from doing so, and victims rarely reported these offenses to the police. Nevertheless, reporting of such crimes to police continued to increase during the year, and the media continued to report their occurrence. Violence against women was the subject of extensive public service media coverage in both government- and opposition-controlled media.

While there were mechanisms to deal with spousal abuse, in practice these mechanisms neither ensured the punishment of all those responsible nor effectively prevented future violence. Women's organizations, like the Women Jurists' Association, continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, they made no progress in achieving such legislation during the year. The revised Penal Code protects certain rights of the victims of sexual abuse; however, it did not ensure compensation.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often were paid less than men for comparable work, women were making modest inroads in various professions, especially in the private sector.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, largely because of illiteracy, most women were unaware of their rights. Women often were reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there was discriminatory treatment in inheritance matters, despite laws that called for equal rights. For example, some women were pressured to sign judicial agreements detrimental to their statutory inheritance rights.

In 2000 a group of female attorneys formed the Women Jurists Association, an association to provide free legal assistance to women throughout the country suffering from social abuse (both violence and discrimination) and spousal abuse.

### Children

In 2000 the Government updated its studies of social policy priorities and legal rights for children and adolescents and restructured the Cape Verdean Institute for Children in accordance with norms in the Convention on the Rights of the Child. The Government provided free, mandatory education for 6 years of primary school for all children. Normally this benefit covered children from age 6 to age 12. Education was compulsory until age 16; however, secondary education was free only for children whose families had an annual income below approximately \$1,700 (160,000 Cape Verdean escudos). According to 2001 Ministry of Education statistics, primary school attendance was approximately 98 percent. Attendance rates by boys and girls differ by less than 1 percent. The Government also sought to reduce infant mortality and disease, combat drug and alcohol abuse, and discourage teenage pregnancy; however, progress continued to be slow.

In September 2001, the Education Minister announced that pregnant students would be suspended from classes during pregnancy or nursing. Individual schools were responsible for enforcing the rule; however, no such suspensions have occurred.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution were problems, exacerbated by chronic poverty, large unplanned families, and traditionally high levels of emigration of adult men. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to address the problem.

### Persons with Disabilities

There was no discrimination against persons with disabilities in employment and education; however, although the Constitution mandates "special protection" for the aged and persons with disabilities, the Government did not require access to public buildings or services for persons with disabilities. There were no official schools or trained teachers for persons with disabilities, which disadvantaged children with disabilities. Several NGO's, including an association for the blind, were active.

### Section 6 Worker Rights

#### a. The Right of Association

The Constitution provides that workers legally are free to form and join unions without government authorization or restriction. There were two umbrella union associations: The Council of Free Labor Unions, comprised of 14 unions with approximately 18,000 members; and the National Union of Cape Verde Workers, formed by the former ruling party but operated independently, which included 14 unions with approximately 20,000 members. The Government did not interfere with the activities of these organizations; however, the National Union of Cape Verde Workers claimed that it received less than its share of funds for unions. Both unions suffered from a shortage of funds. There were no prohibitions against forming or joining unions.

The law provides that if an employer fires a worker without a "just cause," as defined by the law, such as for union activity, the employer either must reinstate the worker or provide financial compensation to the worker. The law bans antiunion discrimination by employers with fines for offenders. No cases were brought to court during the year.

Unions were free to affiliate internationally and had ties with African and international trade union organizations.

#### b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize, to operate without hindrance, and to sign collective work contracts; however, there has been very little collective bargaining. There were no signed collective bargaining agreements. The ILO has cited the Government for its inability to provide examples of signed collective bargaining agreements.

Workers and management in the small private sector, as well as in the public sector, normally reached agreement through negotiations. Although there were no collective labor contracts, workers succeeded in negotiating important issues such as salary increases; however, as the country's largest employer, the Government continued to play the dominant role in setting wages. It did not fix wages for the private sector, but salary levels for civil servants provided the basis for wage negotiations in the private sector.

The Constitution provides union members with the right to strike, and the Government generally respected this right. However, in 1999 when the workers of the shipping company Arc Verde made two attempts to strike, the Government invoked a "civil request" under which it had the power, in an emergency or if a strike threatened coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. Because of the Government's civil request, the crew and workers of four of the five ships in the fleet were required to continue working. According to the National Union of Cape Verde Workers, the Government's decision violated the law, since there was no emergency. The union claimed that, under such circumstances, the "minimum services list" that it presented to the Government would have ensured the continuation of essential services. The union presented the case to the International Confederation of Free Trade Unions, which in 1999 filed a complaint against the Government with the International Labor Organization (ILO). Despite numerous ILO requests, the Government continued to requisition workers to curtail strikes and to interpret essential services in the broadest terms. The ILO complaint remained unresolved at year's end.

In its 2000 report, the ILO Committee on Freedom of Association (CFA) noted that the Government amended legislation in 1999 so that organizations of workers may enjoy the right to peaceful demonstration without unreasonable restrictions, particularly the time limit on demonstrations. The CFA also reported that the Government began to take measures to amend its legislation so that in the event of disagreement between the parties on the minimum services to be provided during strikes, this difference of opinion would be resolved by an independent body. However, at year's end, the Government had not created an independent body to resolve such differences.

There were no legal or illegal strikes during the year. During the year, anti-erosion employees of the Ministry of Agriculture and Fish threatened to strike several times and held peaceful demonstrations. These workers have been negotiating with the Ministry of Finance for unpaid wages for work completed in 1997 and 1999.

Praia has a 30-acre export processing zone (EPZ), which housed two Portuguese companies and a Cape Verdean-Sengalese joint venture. There were no special laws or exemptions from regular labor laws for EPZ's.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment was 14 years. The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products were produced; however, the Government rarely enforced the law, and child labor occurred. The Government was working with the ILO and the International Program for the Elimination of Child Labor. In practice the Ministry of Justice and Labor enforced minimum age laws with limited success, and then only in the urban, formal sectors of the economy.

#### e. Acceptable Conditions of Work

There were no established minimum wage rates in the private sector. Large urban private employers linked their minimum wages to those paid to civil servants. For an entry-level worker, this wage is approximately \$120 (11,583 Cape Verdean escudos) per month. The majority of jobs paid wages insufficient to provide a worker and family with a decent standard of living; most workers relied on second jobs, extended family help, and subsistence agriculture.

The maximum legal workweek for adults was 44 hours. While large employers generally respected these regulations, many domestic servants and agricultural laborers worked longer hours.

The Director General of Labor conducted sporadic inspections to enforce the labor code and imposed fines on private enterprises that were not in conformity with the law. However, the Government did not enforce labor laws systematically, and much of the labor force did not enjoy their protection. Few industries employed heavy or dangerous equipment, and work-related accidents were rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardizing their continued employment.

Foreign workers required both a work permit (granted by immigration authorities) and a work contract (approved by the Ministry of Labor). If in compliance with these requirements, foreign workers were protected fully by the law; however, there were no provisions to protect illegal foreign workers.

#### f. Trafficking in Persons

The law does not prohibit trafficking in persons, and illegal smuggling of economic emigrants to various points in Europe was believed to be a thriving business. This smuggling involved visa and related fraud; however, there were no reports that these persons were transported into forced labor or debt bondage. The country was a transit point for smugglers, and smuggling had become a concern for local authorities. Several press reports noted that the police had arrested some persons, smugglers as well as victims. In 2001 such cases involved fewer than 30 persons. The Government cooperated with European authorities, neighboring governments, and foreign embassies to deal with the problem.